UNITED
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Security Council

Distr.
GENERAL

S/RES/1234 (1999)
9 April 1999

RESOLUTION 1234 (1999)

Adopted by the Security Council at its 3993rd meeting,
on 9 April 1999

The Security Council,

Recalling the statements by its President of 31 August 1998 (S/PRST/1998/26) and of 11 December 1998 (S/PRST/1998/36),

Expressing its concern at the further deterioration of the situation in the Democratic Republic of the Congo and the continuation of hostilities,

Expressing its firm commitment to preserving the national sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and all other States in the region,

Recalling that the Assembly of the Heads of State and Government of the Organization of African Unity during its first ordinary session held in Cairo from 17 to 21 July 1964, adopted in its resolution AHG 16(1) the principle of the inviolability of national frontiers of African States, as stated in paragraph 2 of the communiqué of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution issued on 17 August 1998 (S/1998/774, annex),

Concerned at reports of measures taken by forces opposing the Government in the eastern part of the Democratic Republic of the Congo in violation of the national sovereignty and territorial integrity of the country,

Expressing its concern at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo, including acts of and incitement to ethnic hatred and violence by all parties to the conflict,

Deeply concerned at the illicit flow of arms and military matériel in the Great Lakes region,

Recalling the inherent right of individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations,

Welcoming the appointment by the Secretary-General of his Special Envoy for the peace process for the Democratic Republic of the Congo,

Stressing that the present conflict in the Democratic Republic of the Congo constitutes a threat to peace, security and stability in the region,

1. Reaffirms the obligation of all States to respect the territorial integrity, political independence and national sovereignty of the Democratic Republic of the Congo and other States in the region, including the obligation to refrain from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations, and further reaffirms the need for all States to refrain from any interference in each other's internal affairs, in accordance with the Charter of the United Nations;

2. Deplores the continuing fighting and the presence of forces of foreign States in the Democratic Republic of the Congo in a manner inconsistent with the principles of the Charter of the United Nations, and calls upon those States to bring to an end the presence of these uninvited forces and to take immediate steps to that end;

3. Demands an immediate halt to the hostilities;

4. Calls for the immediate signing of a ceasefire agreement allowing the orderly withdrawal of all foreign forces, the re-establishment of the authority of the Government of the Democratic Republic of the Congo throughout its territory, and the disarmament of non-governmental armed groups in the Democratic Republic of the Congo, and stresses, in the context of a lasting peaceful settlement, the need for the engagement of all Congolese in an all-inclusive process of political dialogue with a view to achieving national reconciliation and to the holding on an early date of democratic, free and fair elections, and for the provision of arrangements for security along the relevant international borders of the Democratic Republic of the Congo;

5. Welcomes the intention of the Government of the Democratic Republic of the Congo to hold an all-inclusive national debate as a precursor to elections, and encourages further progress in this respect;

6. Calls upon all parties to the conflict in the Democratic Republic of the Congo to protect human rights and to respect international humanitarian law, in particular, as applicable to them, the Geneva Conventions of 1949 and the Additional Protocols of 1977, and the Convention on the Prevention and Punishment of the Crime of Genocide of 1948;

7. Condemns all massacres carried out on the territory of the Democratic Republic of the Congo and calls for an international investigation into all such events, including those in the province of South Kivu and other atrocities as referred to in the report submitted by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo in accordance with resolution 1999/61 of the fifty-fifth session of the Commission on Human Rights (E/CN.4/1999/31), with a view to bringing to justice those responsible;

8. Condemns the continuing activity of and support to all armed groups, including the ex-Rwandese Armed Forces, Interahamwe, and others in the Democratic Republic of the Congo;

9. Calls for safe and unhindered access for humanitarian assistance to those in need in the Democratic Republic of the Congo, and urges all parties to the conflict to guarantee the safety and security of United Nations and humanitarian personnel;

10. Welcomes the commitment by the parties to the conflict in the Democratic Republic of the Congo to stop fighting in order to allow an immunization campaign and urges all parties to the conflict to take concrete action in order to provide greater protection to children exposed to armed conflict in the Democratic Republic of the Congo;

11. Expresses its support for the regional mediation process by the OAU and Southern African Development Community to find a peaceful settlement to the conflict in the Democratic Republic of the Congo and calls upon the international community to continue to support these efforts;

12. Urges all parties to the conflict to continue to work constructively through the regional mediation process towards the signing of a ceasefire agreement and settlement of the conflict in the Democratic Republic of the Congo, and calls upon all States in the region to create the conditions necessary for the speedy and peaceful resolution of the crisis and to desist from any act that may further exacerbate the situation;

13. Expresses its support for the Special Envoy of the Secretary-General for the peace process in the Democratic Republic of the Congo, calls upon all parties to the conflict to cooperate fully with him in his mission in support of regional mediation efforts and national reconciliation, as set out in his mandate (S/1999/379), and urges Member States and organizations to respond readily to requests from the Special Envoy for assistance;

14. Reaffirms the importance of holding, at the appropriate time, an international conference on peace, security and stability in the Great Lakes region under the auspices of the United Nations and the Organization of African Unity, with the participation of all the Governments of the region and all others concerned;

15. Reaffirms its readiness to consider the active involvement of the United Nations, in coordination with the Organization of African Unity, including through concrete sustainable and effective measures, to assist in the implementation of an effective ceasefire agreement and in an agreed process for political settlement of the conflict;

16. Requests the Secretary-General of the United Nations to work closely with the Secretary-General of the Organization of African Unity in promoting a peaceful resolution of the conflict, to make recommendations on the possible role of the United Nations to this end, and to keep the Council informed of developments;

17. Decides to remain actively seized of the matter.

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Security Council

Distr.
GENERAL

S/RES/1235 (1999)
30 April 1999

RESOLUTION 1235 (1999)

Adopted by the Security Council at its 3994th meeting
on 30 April 1999

The Security Council,

Recalling all its previous resolutions on the question of the Western Sahara,

Taking note of the report of the Secretary-General of 27 April 1999 (S/1999/483) and the observations and recommendations contained therein,

1. Decides to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 14 May 1999;

2. Requests the Secretary-General to keep the Council informed of all significant developments in the implementation of the Settlement Plan and the agreements reached with the parties, and, as appropriate, on the continuing viability of the mandate of MINURSO;

3. Decides to remain seized of the matter.

99-12503 (E)

UNITED
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Security Council

Distr.
GENERAL

S/RES/1236 (1999)
7 May 1999

RESOLUTION 1236 (1999)

Adopted by the Security Council at its 3998th meeting,
on 7 May 1999

The Security Council,

Recalling its previous resolutions on the situation in East Timor,

Recalling also General Assembly resolution 1514 (XV), 1541 (XV) and 2625 (XXV) and the resolutions of the General Assembly on the question of East Timor, in particular resolution 37/30,

Bearing in mind the sustained efforts of the Governments of Indonesia and Portugal since July 1983, through the good offices of the Secretary-General, to find a just, comprehensive and internationally acceptable solution to the question of East Timor,

Welcoming the progress made at the last round of talks between the Governments of Portugal and Indonesia, under the auspices of the Secretary-General of the United Nations, leading to the conclusion of a series of agreements in New York on 5 May 1999,

Commending in particular the efforts of the Personal Representative of the Secretary-General in this regard,

Taking note of the report of the Secretary-General (S/1999/513),

Taking note of the concerns expressed in the report of the Secretary-General regarding the security situation in East Timor,

1. Welcomes the concluding of the Agreement between Indonesia and Portugal on 5 May 1999 on the question of East Timor (the General Agreement) (S/1999/513, Annex I);

2. Welcomes also the concluding of the Agreements between the United Nations and the Governments of Indonesia and Portugal on the same date regarding security arrangements (S/1999/513, Annex III) and the modalities for the popular

consultation of the East Timorese through a direct ballot (S/1999/513, Annex II);

3. Welcomes further the intention of the Secretary-General to establish as soon as practicable a United Nations presence in East Timor, with a view to assisting in the implementation of these Agreements in particular through:

(a) Conducting a popular consultation of the East Timorese people on the acceptance or rejection of a constitutional framework for an autonomy for East Timor, scheduled for 8 August 1999, in accordance with the General Agreement;

(b) Making available a number of civilian police officers to act as advisers to the Indonesian Police in the discharge of their duties in East Timor and, at the time of the consultation, to supervise the escort of ballot papers and boxes to and from the polling sites;

4. Stresses the importance of the requests made to the Secretary-General in the General Agreement to report the result of the popular consultation to the Security Council and the General Assembly, as well as to the Governments of Indonesia and Portugal and the East Timorese people, and, during the interim period between the conclusion of the popular consultation and the start of the implementation of either option, an autonomy within Indonesia or transition to independence, to maintain an adequate United Nations presence in East Timor;

5. Stresses also the responsibility of the Government of Indonesia to maintain peace and security in East Timor in order to ensure that the consultation is carried out in a fair and peaceful way and in an atmosphere free of intimidation, violence or interference from any side and to ensure the safety and security of United Nations and other international staff and observers in East Timor;

6. Stresses further the importance of the assistance of the Government of Indonesia in ensuring that the United Nations is able to carry out all the tasks entrusted to it for the implementation of the Agreements;

7. Welcomes the establishment by the Secretary-General of a Trust Fund to enable Member States to make voluntary contributions to assist in the financing of the United Nations presence in East Timor, and urges all Member States who are in a position to do so to contribute without delay;

8. Requests the Secretary-General to keep the Security Council closely informed of the situation in East Timor, to report to it as soon as possible, and in any event by 24 May 1999, on the implementation of this resolution and of the Agreements referred to in paragraphs 1 and 2 above, inter alia specifying the detailed modalities of the consultation process, to make detailed recommendations to the Council for decision on the mandate, size, structure and budget of the United Nations Mission, including civilian police officers envisaged in paragraph 3 above, and to report to the Council thereafter every fourteen days;

9. Expresses its intention to take a prompt decision on the establishment of a United Nations Mission on the basis of the report referred to in paragraph 8 above;

10. Requests the Secretary-General to inform the Council prior to the start of voter registration on whether, on the basis of the objective evaluation of the United Nations Mission, the necessary security situation exists for the peaceful implementation of the consultation process;

11. Decides to remain seized of the matter.

UNITED
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Security Council

Distr.
GENERAL

S/RES/1237 (1999)
7 May 1999

RESOLUTION 1237 (1999)

Adopted by the Security Council at its 3999th meeting,
on 7 May 1999

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions, in particular resolutions 864 (1993) of 15 September 1993, 1127 (1997) of 28 August 1997 and 1173 (1998) of 12 June 1998, as well as resolution 1229 (1999) of 26 February 1999,

Reaffirming its commitment to preserve the sovereignty and territorial integrity of Angola,

Reiterating that the primary cause of the present crisis in Angola is the refusal of the União Nacional Para a Independência Total de Angola (UNITA), under the leadership of Mr. Jonas Savimbi, to comply with its obligations under the "Acordos de Paz" (S/22609, annex), the Lusaka Protocol (S/1994/1441, annex) and relevant Security Council resolutions,

Expressing its alarm at the humanitarian effects of the present crisis on the civilian population of Angola,

Emphasizing its strong concern at reports of the provision of military assistance, including mercenaries, to UNITA,

Having considered the recommendations contained in section IV of the report of the Secretary-General of 17 January 1999 (S/1999/49) concerning improving the implementation of the measures imposed against UNITA, and having endorsed the recommendations contained in the report of 12 February 1999 (S/1999/147) of the Committee established pursuant to resolution 864 (1993),

Welcoming the recommendations contained in the letter and its enclosure of 4 May 1999 (S/1999/509) of the Chairman of the Committee established pursuant to resolution 864 (1993),

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1. Stresses that lasting peace and national reconciliation in Angola can only be achieved through a political settlement of the conflict, and in this regard reaffirms the importance of the "Acordos de Paz" and the Lusaka Protocol;

2. Welcomes and endorses the planned visits by the Chairman of the Committee established pursuant to resolution 864 (1993) to Angola and other concerned countries to discuss ways to improve the implementation of the measures against UNITA specified in paragraph 5 below;

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Determining that, as a result of the refusal of UNITA to comply with its obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions, the current situation in Angola continues to constitute a threat to international peace and security in the region,

Emphasizing its concern at reports of violations of the measures concerning arms and related matériel, petroleum, diamonds and financial assets, imposed against UNITA, contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998), and in this context acting under Chapter VII of the Charter of the United Nations,

3. Deplores the deteriorating situation in Angola, which is primarily due to the refusal of UNITA, under the leadership of Mr. Jonas Savimbi, to comply with its obligations under the "Acordos de Paz", the Lusaka Protocol and relevant Security Council resolutions;

4. Condemns the continued, indiscriminate attacks by UNITA against the civilian population of Angola, particularly in the cities of Huambo, Kuito and Malange;

5. Stresses the obligation of all Member States to comply fully with the measures imposed against UNITA contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998);

6. Endorses the letter and its enclosure of 4 May 1999 of the Chairman of the Committee established pursuant to resolution 864 (1993) and decides to establish the expert panels referred to therein for a period of six months with the following mandate:

(a) To collect information and investigate reports, including through visits to the countries concerned, relating to the violation of the measures imposed against UNITA with respect to arms and related matériel, petroleum and petroleum products, diamonds and the movement of UNITA funds as specified in the relevant resolutions and information on military assistance, including mercenaries;

(b) To identify parties aiding and abetting the violations of the above-mentioned measures;

(c) To recommend measures to end such violations and to improve the implementation of the above-mentioned measures;

7. Requests the Chairman of the Committee established pursuant to resolution 864 (1993) to submit to the Council no later than 31 July 1999 an interim report of the expert panels regarding their progress and preliminary findings and recommendations and to submit to the Council within six months of the formation of the expert panels their final report with recommendations;

8. Calls upon all States, relevant United Nations bodies and concerned parties, as appropriate, including non-governmental organizations and enterprises, to cooperate in a full and timely manner with the expert panels to facilitate the implementation of their mandate, including by making available to the expert panels information relating to their mandate;

9. Calls upon the Governments of the States concerned in which the expert panels will carry out their mandate to cooperate fully with the expert panels in the fulfilment of their mandate, including responding positively to requests from the expert panels for security, assistance, and access in pursuing investigations, including:

(a) Adoption by them of any measures needed for the expert panels and their personnel to carry out their functions throughout the respective territories with full freedom, independence, and security;

(b) Provision by them to the expert panels or to the Chairman of the Committee established pursuant to resolution 864 (1993) of information in their possession which the expert panels request or is otherwise needed to fulfil their mandate;

(c) Freedom of access for the expert panels and their personnel to any establishment or place they deem necessary for their work, including border points and airfields;

(d) Appropriate measures to guarantee the safety and security of the personnel of the expert panels and guarantees by them of full respect for the integrity, security and freedom of witnesses, experts and any other persons working with the expert panels in the fulfilment of their mandate;

(e) Freedom of movement for the personnel of the expert panels, including freedom to interview any person in private, at any time, as appropriate;

(f) The grant of relevant privileges and immunities in accordance with the General Convention on the Privileges and Immunities of the United Nations;

10. Expresses its concern at the delays in the investigations into the downing on 26 December 1998 and 2 January 1999 of two aircraft chartered by the United Nations and the loss under suspicious circumstances of other commercial aircraft over UNITA-controlled areas in Angola as well as the crash on 26 June 1998 in Côte d'Ivoire of the aircraft carrying the Special Representative of the Secretary-General to Angola and other United Nations personnel, and reiterates its call upon all concerned to cooperate fully with

and to facilitate an immediate and objective international investigation of these incidents;

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11. Endorses the recommendation contained in the letter and its enclosure of 4 May 1999 of the Chairman of the Committee established pursuant to resolution 864 (1993) that the expert panels be supported as an expense of the Organization and through a United Nations Trust Fund established for this purpose, requests the Secretary-General to take the necessary steps towards this end, and urges States to make voluntary contributions to this Trust Fund;

12. Reiterates its call upon all concerned to cooperate with the United Nations humanitarian assistance activities on the basis of the principles of neutrality and non-discrimination, to facilitate the delivery of humanitarian assistance to all those in need throughout the territory of Angola and to guarantee unconditionally the security and freedom of movement of humanitarian personnel;

13. Expresses its strong support for further consultations between the Secretary-General and the Government of Angola regarding the follow-up configuration of the United Nations presence in Angola;

14. Decides to remain actively seized of the matter.